

Bulkley (H.D.)

ADDRESS

DELIVERED BEFORE THE

New York County Medical Society,

JANUARY 29, 1861.

BY H. D. BULKLEY, A. M., M. D.,

PRESIDENT OF THE SOCIETY.

PUBLISHED BY ORDER OF THE SOCIETY.

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GENTLEMEN :

The circumstances under which we are assembled seem to justify, if not to demand a few words, both of explanation and of congratulation. For the first time for several years, the New York County Medical Society is convened for other purposes than the mere election of officers, and the transaction of the ordinary business of an anniversary meeting.

Within a few weeks past, the subject of giving more efficiency to what was formerly the strong arm of the profession in our city, and which should be so now, and the wish not to be behind kindred associations in our State, which are the great working bodies of our profession in many places, and the only ones in some, suggested to some of our members the propriety and policy of attempting to renew an interest in this organization ; and in conformity with this suggestion, and in accordance, too, with my own views on the subject, I felt called upon, when chosen to preside over this association, to lay the subject before the Comitia Minora, its executive body. The proposition met with a prompt and cordial response from

this body, and successive meetings were held for the purpose of consultation upon the best means for the execution of what it was thought would find also a ready response in the breasts of a large part of the profession, and it is in pursuance of this plan that we are now assembled.

I feel that motives for taking such a step are furnished by—

1. Our duty to the State, which in times past has done so much for our profession in promoting its legal organization, and giving efficiency to its measures for keeping it pure and active in the cause of doing good.

- And 2. Our duty to ourselves, representing as we do numerically nearly one quarter of the whole profession of the State, and embodying, as we can fairly claim to do, at least our share of those filling its places of honor and responsibility.

I am aware that this society became at one time too much the arena of angry discussions, and not unfrequently of personal animosities, and of party strife, and has ceased for years to contribute any thing to the advancement of our profession, either in the way of science or of ethics. But if such was its character, upon whom does the blame rest? Have we not all an equal personal responsibility in the matter? If it was not, during a certain period, a true mirror of the profession, does it not become us, as members of that profession, to see that it reflects brighter images, images

more worthy of that high and honorable position cheerfully accorded to us when proved worthy of it? If this fountain poured out bitter water, should we not look to its purification? and are we not called upon to exert our influence to assist in raising this ancient and time-honored association from the state of neglect in which we now find it?

The New York County Medical Society was organised in 1806, very soon after the passage of the law authorising the formation of the State and County Societies, and has, consequently, entered upon its second semi-centennial period. Its powers were gradually enlarged, and its privileges extended, by a State ever ready at that time to further the interests of sound knowledge, and thus subserve the best good of its citizens, until it had all the powers and privileges it could reasonably ask for. It had the power to confer licenses to practice medicine and surgery, and no practitioner of these branches could legally, or even safely, exercise his vocation in our county without an endorsement by this society that he was fully qualified to do so. These palmy days continued until 1830, when practising without authority was made a penal offence, instead of a criminal one, as it had before been. Quackery then ceased to be a crime, and was not even a penal offence, if confined to the use of roots and herbs. But even as late as 1843, its list of members contained 550 names, and embraced all, or nearly

all, the respectable and educated practitioners of our city.

It was not until the year 1844 that all restraints were removed from the practice of physic and surgery in our State, and the necessity of either education, degree, or license, swept off with one fell swoop. According to that act, "no person shall be liable to any criminal prosecution, or to indictment, for practising physic or surgery without a license, except in cases of mal-practice, or gross ignorance, or immoral conduct in such practice." The immediate effect of this law was to disgust some, and discourage others, while the majority of those who commenced practice subsequently to the passage of that act availed themselves of the freedom from all restraint which it afforded them, and neglected to avail themselves of the rights and privileges which a connection with this society would have given them. While, therefore, but very few recruits have replenished our ranks, constantly being thinned by removals from the city, and still more by the ever busy hand of death, our list now embraces but a comparatively small portion of those now engaged in the active duties of our calling, and numbers not more than one quarter of what it did in 1843, with probably double the number of educated practitioners in our city at the present time.

It is proper to remark, however, that different, and even opposite views are entertained respecting the

effect of this law of 1844 upon the rights and privileges of the County Medical Societies, and their position in a legal point of view.

Professor Ordranax, in his report to the Queens County Medical Society, as counsel employed by that body, in October, 1859, says that we are disfranchised from all professional distinction and privilege as physicians, and are reduced to a level with barber-surgeons, apothecaries, and pill-venders, and have no status above that of *artisans*. In his opinion, this act of 1844, which permits unlicensed practitioners of medicine, "destroys one of the main purposes for which medical societies were originally created, viz.: the licensing and supervision of physicians in the several counties where such societies exist."

But, as before remarked, other and more encouraging views are taken of the subject, and the law of 1844, upon the destructive effect of which so much stress is laid, is proved to be much less sweeping in its character. Dr. T. L. Mason, of Brooklyn, in a communication to the State Medical Society, at its last annual meeting, in behalf of the Kings County Medical Society, attributes the great neglect of the rights of County Medical Societies to the *mis-interpretation of this act*. A report on this subject was drawn up by a committee of that society, in which it was claimed that this act "neither deprived the societies of their legal rights, abated the duties of their officers,

nor removed the obligations of physicians to unite with them." This report, subsequently enlarged, was published in the Transactions of the State Society, in the volume for 1858, and received the approbation of that body. It is claimed in that report, therefore, and I think with justice, that this law does not deprive the regularly authorised practitioner of any rights and privileges that may have been conferred upon him by previous legislation on the subject.

Certain laws have been passed from time to time, defining who are legal or authorised practitioners, and conferring upon such certain privileges; and for the attainment and enjoyment of these rights and privileges, it was necessary that they should become members of the Medical Society of the County in which they reside. Now, the fact that all restraints are removed from the practice of physic and surgery does not make every ignorant practitioner who chooses to dabble in the use of roots and herbs, or even in mineral articles of the *Materia Medica*, a licensed or legal practitioner, and confer honors upon him, while membership of a county society does thus distinguish him; and such a member, and only such a one, can be regarded as a legal practitioner; and no one can become a member of such a society who has not passed through a certain ordeal of study, and had his qualifications tested by a competent board of examiners. The distinction is, that the law of 1844 merely pro-

protects every one from interference, unless under certain specified circumstances, but does not confer any privileges, nor does it abrogate the rights and privileges formerly granted to those who complied with the regulations laid down in the statutes, a compliance with which constituted them legal practitioners, and by which alone they were thus constituted. It is merely negative in its character. The law still says that no one can legally practice medicine without such membership, and it is still as necessary as ever, in the eye of the law, that the study of medicine should be prosecuted "with some physician duly authorized by law to practice his profession."

It is evident, therefore, that there is ground for honest difference of opinion in the interpretation of the law of 1844. But I do not propose to pursue the subject at the present time. The full investigation of it may very properly be entrusted to a committee, which may be appointed for that purpose, to report at some future time, as has been already done by our sister societies of Kings and Queens counties.

It seems to me, however, that we have duties connected with either view of the case. If our rights and privileges are intact, the Presidents of the different County Societies are called upon to warn those who have not availed themselves of membership of these societies, of the injury which they inflict upon the profession as a body, by withdrawing their countenance

and support from the only association for which laws have been specially enacted.

If, on the other hand, we have been entirely disfranchised, if there is no distinction to be made between those who have complied with the requisitions of the laws of our State, and thus are constituted licensed practitioners, and those who practice by mere sufferance, and we are all to be grouped together in that common herd which claims no privilege but that of being let alone, which ignores all the claims of education and scientific training as a necessary preparation for the faithful and honorable exercise of our noble calling, and have no badge of superiority in the eye of the law over the motley throng of those who destroy the lives, and rob the pockets of our citizens; and if we feel that legal authority is necessary to the fulfilment of the grand objects of our mission, is it not time that we put forth our united strength, and made an effort for the recovery of our rights, and for an endorsement on the statute-book of the superiority we claim over the ignorant and the reckless?

But is it so? Do we require the strong arm of the law to protect us? Which is the greater sufferer by this removal of all legal restraints from the practice of medicine and surgery, the profession or the public? Does not the public stand more in need of this protection than the profession? and are not many of the evils inflicted upon the public the indirect result of

the indiscriminate use of dangerous weapons by those who have not the skill to use them? Where do these very public bodies, which would thus break down all distinctions between the educated and the ignorant in our profession, where do they look in times of danger for counsel, and upon whom do they call for advice and aid in their public institutions for the relief of the sick? Not to the ignorant pretender; not to those who use roots and herbs without fee or reward, whose claims for confidence they have sanctioned by their short-sighted legislation, but upon those whom they know to be qualified, both by education and experience, for the important trusts which they wish to commit to them. Let us then rather pity than blame this delusion which leads those who are constituted our legislators to act thus blindly, and rob their constituents of the only protection they have against the ignorance and rapacity of pretenders; and let us, by increasing the facilities for education, as well as by a more diligent use of those with which we are already favored, prove ourselves above the necessity of legal protection, and by our devotion to our cherished pursuits, and our deep sense of the obligations imposed upon us by a higher than human law, show our fellow-citizens the true bearing of the question, and by this best of all influences, lead them to honor and protect the profession, as the best and surest way of honoring

themselves and protecting the lives and pockets of those for whom they are called to legislate.

But then, even if released from legal obligations, are we not morally bound to contribute our share to the maintenance of a form of organization which constitutes the basis of our State Medical Association, through which alone we can hope to exercise any influence, if any is ever desired, upon the legislative body of our State, to which we must always look for the means of those reforms which may from time to time be required?

It is true that we have in our city, in the Academy of Medicine, an institution with a charter from the State, and thus far legalized, and with the privilege of representation in our State organization, an institution in whose behalf I have labored since its commencement, and for which I still hope to be permitted to labor in my humble way for years to come, an institution which has done a good work among us, and which I trust is destined to still greater usefulness; but the sphere of this organization is different from that of the County Medical Societies. Each of these associations in our city can revolve in its own orbit, each diffusing its own light, and cheering the other on its way, and thus enlightening and elevating our profession by their combined radiance. That body should descend as little as possible from the high sphere of scientific pursuits; ours must combine with improvement in science,

a watchful care over the rights and interests of the profession, and keep an ever open eye on its ethics.

We are, therefore, fellow-laborers in the common cause of benevolence and humanity, both aiming at the same high objects, and knowing no other rivalry than which shall accomplish the most towards promoting the interests of our profession, and thus administering to the relief of suffering humanity, and the advancement of human happiness.

We must remember, too, that this organization is limited to our city, and that, for different reasons, it does not embrace more than one fourth of the regular practitioners among us, so that there is a large surplus left for kindred organizations; and that it is the only one of the kind in the State, so that it is important to keep up the activity of the county organizations, as well for their own sake in different parts of the State, as for the purpose of a grand central organization which shall represent the combined influence of the whole profession.

The first step towards giving greater efficiency and increased interest to our Society, will be the holding of stated meetings, either monthly or every second month, as may be thought most advisable. Care must be taken to fill the several committees with members who will be both competent and willing to discharge the duties connected with them. Of these committees, we have three from whom some report

should be received at each stated meeting—a Committee on Intelligence, a Committee on Diseases, and a Meteorological Committee.

Arrangements should also be made by one of these committees, or by a special one for the purpose, for one paper to be read, without failure, at each meeting. But I do not propose to go into the details at this time of any plan for future operations, or for stimulating our members to increased activity and usefulness.

I will only say with regard to our present meeting, that no other business can be introduced this evening than is specified in the call for the meeting—and the objects thus stated are to receive reports of committees, hear and discuss scientific papers, and appoint a committee to revise the By-Laws of the Society, and a committee to confer with other societies and associations on the subject of protection from the sale of spurious and adulterated drugs. The bodies with which we are invited to confer on this last subject, are the New York Academy of Medicine, Kings County Medical Society, the College of Pharmacy, and our State Medical Society.

No change can be made in the By-Laws until the Anniversary Meeting of the Society in November next; but it is desirable that the whole subject should be put into the hands of a committee, with power to have them ready for discussion and adoption at that time.

I am happy to say that we are able at this meeting to present you with an essay on an important subject, which promises to be one of interest, and which it is hoped will open a field for profitable discussion.

With such a programme for the evening, and with such prospects of an auspicious inauguration of our enterprise, I will not trespass farther upon your indulgence, nor upon the time which promises to be both more pleasantly and more profitably occupied.

